

**UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
MISC. CIV. ACTION NO. 23-MC-5**

IN RE APPLICATION OF CAMERON
FINDLAY FOR AN ORDER UNDER
28 U.S.C. § 1782 TO CONDUCT
DISCOVERY FOR USE IN FOREIGN
PROCEEDINGS

**RESPONDENTS' MOTION TO
SEAL**

NOW COME Respondents Nicholas Del Rosso (“Del Rosso”) and Vital Management Services, Inc. (“VMS”) (collectively, “Respondents”), by and through their undersigned counsel, and pursuant to Local Rules 5.4 and 5.5, hereby move this Court to seal **Exhibit 7** to the Declaration of Brandon Neuman (“Neuman Decl.”) (D.E. 12). In support of this Motion, Respondents show the Court the following:

1. Exhibit 7 to the Neuman Decl. (“Ex. 7”) is an uncertified copy of WhatsApp messages obtained from Indian police evidencing Kotak Mahindra Bank employees’ unauthorized leak of CyberRoot Risk Advisory Private Ltd.’s (“CyberRoot”) bank statements, previously filed on February 10, 2023 in *Azima v. Del Rosso, et al.*, No. 20-cv-954, at D.E. 160 (M.D.N.C. Feb. 10, 2023) (the “Azima Lawsuit”). Ex. 7 was filed provisionally under seal in the Azima Lawsuit, and is similarly being provisionally filed under seal in this matter.

2. With respect to Ex. 7, sealing is warranted because these exhibits contain sensitive and confidential information relating to a criminal investigation. *See, e.g., Silicon Knights, Inc. v. Epic Games, Inc.*, No. 5:07-CV-275-D, 2011 WL 901958, at *2 (E.D.N.C. Mar. 15, 2011) (allowing redaction of documents where “the documents in question contain confidential and proprietary commercial information, including . . . highly sensitive financial and business information . . . which is of utmost importance to them but not generally available to the public or bearing importance to any public matters”). The information is being submitted for the purpose of substantiating that an employee of CyberRoot’s bank leaked CyberRoot’s bank statements without authorization. As such, the general description of the document is sufficient for the public to be able to understand the general purpose of Ex. 7.

3. Accordingly, sealing is appropriate here. Public knowledge of the specific contents of Ex. 7 would not enhance the public’s understanding of the dispute at bar. Therefore, Respondents’ interest in keeping this information sealed outweighs any interest that the public would have this information.

4. In light of the above, Respondents seek to permanently seal Ex. 7.

WHEREFORE, Respondents respectfully request that the Court seal Exhibit 7 to the Neuman Declaration.

Respectfully submitted, this the 29th day of May, 2023.

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CERTIFICATE OF SERVICE

I hereby certify that on this 29th day of May 2023, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system, which will send electronic notification of filing to the following:

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